

# **EXHIBIT 57**

**Air Transportation  
Operations Inspector's  
Handbook****Air Transportation Operations Inspector's Handbook,  
Order 8400.10**

This document is current through Change 44, dated August 9, 2006.

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**K. Section 44711. Prohibitions.** This section prohibits any person or organization from conducting any air commerce operation unless the person or organization has proper certification and hires personnel who are properly certificated. This section also prohibits persons or organizations from performing any aviation services contrary to regulations prescribed under Subtitle VII.

**L. Section 44713. Maintenance of Equipment in Air Transportation.** In this section, each air carrier is given the duty to perform inspections, maintenance, overhaul, and repair of all equipment used in air transportation as required by Title 49 and the orders, rules, and regulations of the FAA.

**M. Section 44715. Control and Abatement of Aircraft Noise and Sonic Boom.** This section provides that the FAA, after consultation with the Secretary of Transportation and the Environmental Protection Agency (EPA), shall prescribe and amend standards and regulations for the measurement of aircraft noise and sonic boom.

## 75. PRIVATE SECTOR RESPONSIBILITIES.

**A.** The term "private sector," when applied to aviation, encompasses all individuals and organizations participating in air commerce. While individuals and organizations such as pilots, mechanics, air carriers, and manufacturers participate directly in air commerce, other individuals and organizations such as vendors, food caterers, travel agents, baggage handlers, and aircraft sales personnel participate indirectly. The FAA, which is part of the "public sector," has the duty (authorized by Title 49, Subtitle VII, "Aviation Programs") to establish minimum standards, rules, and national policies to provide adequately for national security and safety in air commerce. This responsibility for aviation safety, however, does not rest entirely with the FAA. Persons or organizations of the "private sector" are also obligated to provide for public safety. All airmen, air carriers, aircraft owners and operators, air agencies, and certain airport operators who qualify for and accept an FAA certificate, assume these "private sector" responsibilities.

**B.** A major part of air commerce is conducted by "private" persons or organizations engaged in air transportation. These persons or organizations are referred to as air carriers and are involved in the "common carriage" by aircraft, for compensation or hire, of persons, property, or mail. Title 49 requires a classification of safety standards appropriate to the differences between air transportation and other forms of air commerce. Therefore, safety standards applicable to air transportation (air carriers) are more

stringent than standards applicable to persons or organizations not involved in common carriage.

## 77. AIR CARRIER RESPONSIBILITIES FOR PUBLIC SAFETY.

**A.** Section 44702(b) of Title 49 specifies, in part, that when prescribing standards and regulations and when issuing certificates, the FAA shall give full consideration to "the duty of an air carrier to provide service with the highest possible degree of safety in the public interest. . ." Title 49 charges the FAA with the responsibility for promulgating and enforcing adequate standards and regulations. At the same time, Title 49 recognizes that the holders of air carrier certificates have a direct responsibility for providing air transportation with the highest possible degree of safety. The meaning of Title 49, § 744702(b), should be clearly understood. It means that this responsibility rests directly with the air carrier, irrespective of any action taken or not taken by an FAA inspector or the FAA.

**B.** Before certification, the FAA's objective is to make a factual and legal determination that a prospective certificate holder is willing and able to fulfill its duties as set forth by Title 49 and to comply with the minimum standards and regulations prescribed by the FAA. This objective continues after certification. Title 49, § 44709, specifies that, if a certificate holder fails to comply with the minimum standards and regulations, the FAA may reexamine any certificate holder or appliance. As a result of an inspection, a certificate may be amended, modified, suspended, or revoked, in whole or in part. Additionally, § 44713(b) generally provides that whenever an inspector finds that any aircraft, aircraft engine, propeller, or appliance used or intended to be used by any air carrier in air transportation, is not in condition for safe operation, the inspector shall notify the air carrier, and the product shall not be used in air transportation until the FAA finds that the product has been returned to a safe condition.

**C.** The following conditions or situations could indicate that an air carrier's management is unable or unwilling to carry out its duties as set forth by Title 49 (see volume 3, chapter 8, "Air Carrier Management Effectiveness"):

- Repetitive noncompliance with minimum standards and regulations
- Insufficient training programs and guidance
- Lack of concern or enthusiasm on the part of air carrier management for compliance with Title 49 and the FAR
- Lack of operational control of aircraft